

**REMARKS**

This Amendment, submitted in response to the Office Action dated December 22, 2003, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-11 are pending in the present application. Claims 1-11 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 7-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Edgar (1) (USP 5,266,805). Claims 1-6 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Edgar (1) in view of Edgar (2) (US Patent Application Publication 2001/0031144) and Edgar (3) (USP 6,393,160). Applicant submits the following in traversal of the rejections.

***Rejection of claims 1-11 under §112, second paragraph***

The Examiner states that the metes and bounds of the phrase “reading a defective image as information related to a defect on the film” is not clear (claims 1 and 7). Applicant submits that the language of the claims is clear. A defective image is read which thus provides information regarding defects.

With respect to claims 2 and 11, the Examiner states that the metes and bounds of the phrase “preprocessing is finished up to completion of obtaining said actual image” is unclear. Applicant submits that the language of the claims is clear. Preprocessing can be performed prior to and during completion of obtaining the actual image. In this embodiment, the preprocessing is finished by the time the actual image is obtained.

The Examiner has rejected claims 4 and 10 stating that the metes and bounds of the phrase “said preprocessing and said blemish elimination processing are stopped in accordance

with said evaluated result” is not clear. Applicant submits that the language of the claims is clear. Preprocessing and blemish elimination processing are stopped according to an evaluated result.

The Examiner has also rejected claims 5 and 8 stating that the metes and bounds of the phrase “imparts presence or absence of the defect” are not clear. Applicant submits that the language of the claims is clear. The flag information indicates the presence or absence of a defect on a pixel unit basis from the defective image.

Applicant submits that the language of the claims are clear to one of ordinary skill in the art and upon reading the specification for the present invention. Therefore, the rejection of the claims under 35 U.S.C. § 112, second paragraph should be withdrawn. If further clarification is needed, Applicant respectfully requests that the Examiner inform the Applicant as to how the claims can be clarified.

***Rejection of claims 7-10 under §102(b) as being anticipated by Edgar (1)***

Edgar (1) teaches a system and method to compensate for effects of a recording medium such as film. Red, green, blue and infrared light is transmitted through film having an image and subsequently red, green, blue and infrared images are obtained. The infrared image is used to map the location of media defects. The infrared image is combined with the red, green and blue images and based on the mappings provided by the infrared image, an image free of defects is provided. See abstract. Edgar (1) merely corresponds to conventional art described by background of the application.

*Claim 7*

Claim 7 describes performing a blemish elimination processing on a blemish of an actual image which is obtained by reading photoelectrically the image, based on the defective image subjected to the preprocessing.

The Examiner states that Edgar (1) col. 6, lines 52-58 teaches the claimed elements. However, there is no indication in the respective column and lines cited by the Examiner, that the obtained image is subjected to the blemish elimination processing based on the defective image subjected to the preprocessing.

The respective column and lines cited by the Examiner describes that each red, green and blue image is added. After the image is read, the infrared image map is used to subtract out the undesirable effect of imperfections on the red, green and blue images. Subtracting imperfections from a red, green and blue image does not equate to subjecting an image to the blemish elimination processing based on a defective image subjected to *preprocessing*, as described in the present invention. Thus, Edgar (1) requires a long processing time to first read an image and then correct it.

By contrast, claim 7 describes reading the defect information of the film and performing preprocessing, then obtaining the actual images. This ordering is not contemplated by Edgar (1). Therefore, claim 7 and its dependent claims should be deemed patentable. Since claim 1 describes similar elements, claim 1 and its dependent claims should be deemed patentable for the same reasons.

***Rejection of claims 1-6 and 11 under §103(a) as being unpatentable  
over Edgar (1) in view of Edgar (2) and Edgar (3)***

As a preliminary matter, Edgar (1) teaches away from the present invention. In particular, a goal of the present invention is to decrease the processing time for images. On page 6 and 33 of the specification for the present invention, it is indicated that prior to the present invention, blemish elimination processing could not be performed on the actual image until a defective image and an actual image is obtained. This processing would therefore consume a relatively long period of time so that it takes a relatively long period of time to complete the blemish elimination processing. Since Edgar (1) requires obtaining a defective image and an actual image prior to the blemish elimination process (see abstract), Edgar teaches away from the present invention. Therefore, one of ordinary skill in the art would not combine Edgar (1) with another reference, in order to establish the obviousness of the present invention.

Furthermore, Edgar (2) and Edgar (3) also teach away from the present invention for the same reason as Edgar (1). In Edgar (2) infrared data and then visible light data is collected. The visible light data is filtered using the infrared light data in order to produce a final image. See Edgar (2) paragraph 22. In Edgar (3) a defective image 606 and a visible image 622 is obtained prior to obtaining the corrected image 628. See Fig. 6. Thus, Edgar (2) and Edgar (3) also suffer from the deficiency in the prior art by requiring a defective image and an actual image before blemish elimination processing. Furthermore, preprocessing for the blemish elimination processing on the defective image cannot be performed *while reading photoelectrically* the image.

*Claim 1*

Edgar (1) does not teach the claimed elements, as indicated above with respect to claim 7.

The Examiner cites Edgar (3) for teaching simultaneously preprocessing the defective image and reading the actual image. The Examiner states that the determination of upper and lower bounds for an infrared image is analogous to preprocessings as recited in the claim. Furthermore, the Examiner states that the visible image is analogous to the actual image recited in the claim.

However, the Examiner has not established that the preprocessing is performed while reading photoelectrically the image. The respective column and lines cited by the Examiner (col. 4, lines 31-48) merely indicates determining an upper and lower bound corrected estimate. It appears that the image has already been obtained before the preprocessing is performed. The bounded subtractor function block 602 receives the value of the visible pixel 620 from visible image 622. Since the visible image was previously obtained, the preprocessing for blemish elimination is not performed *while reading photoelectrically* the image. Therefore, claim 1 and its dependent claims should be deemed patentable.

Applicant has added claims 12-20 to provide a more varied scope of protection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111  
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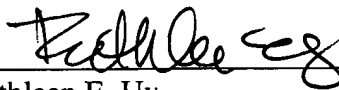
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**23373**

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